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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,769	02/03/2000	Tomotaka Yamazaki	SONYJP3.0-098	6673

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LERNER, DAVID, LITTENBERG,
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600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

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DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/496,769

Applicant(s)

YAMAZAKI, ET AL

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-3, 6-13, 16-23, 26-33 and 36-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3, 6-13, 16-23, 26-33 and 36-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6-7, 10-13, 16-17, 20-23, 26-27, 30-33 & 36-37 & 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Brandenburg, (U.S. Pat # 5,894,516).

Considering claim 1, the instant claim recites a method of transmitting data from a transmission apparatus to one of a plurality of receiving terminals, comprising transmitting

unique terminal information as a destination of transmission and an update program to change the processing of the receiving terminal, such that the unique terminal information is converted into unique terminal information comprising a key ID and the converted unique terminal information is transmitted to one of the receiving terminals. Brandenburg teaches that when a customer (i.e., target computer 18) orders software over a network, a software distribution center transmits encryption key, using the ID code of the target computer 18; see Abstract; col. 3, lines 35-40, which meets the claimed subject matter.

The additionally claimed feature of updating the processing of one of the receiving terminals by including receiving at the receiving terminal the unique terminal information and the update program, reads on col. 3, lines 38-64; col. 4, lines 20-41 & Fig. 2. The cited portions of Brandenburg teach that the encryption key is used to decrypt information by the target computer 18.

Examiner notes that Fig. 2 of the instant reference shows a flow chart listing blocks numbered from 60-86. However, the blocks in Fig 2 correspond directly with the block numbers 30-56 discussed in col. 3 & col. 4. For instance, block 60 of Fig 2 corresponds with block 30 in col. 3, and likewise block 70 of Fig. 2 corresponds with block 40 in col. 3.

As for the amended claimed feature of returning the converted unique terminal information comprising a key ID to the unique terminal information, the claimed subject matter reads on the operation of Brandenburg that the target computer 18 only looks at the encrypted

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data that is transmitted with the same ID code as its own. Thus the target computer has to extract its unique terminal information ID from the data that is transmitted in order to retrieve only the data that is addressed to itself.

The claimed step of storing the converted unique terminal information comprising a key ID to the unique terminal in a storage location after the returning step reads on the disclosure that the target computer 18 stored the key ID for decrypting the software to be downloaded, col. 3, lines 55-58.

Considering claims 2, 12, 22 & 32, the claimed subject matter is broad enough to read on the disclosure in Brandenburg of the target computer 18 requesting new versions of software applications that have already been downloaded, col. 4, lines 8-14.

Considering claims 3, 13, 23 & 33, the claimed authenticating step reads on ID code of the target computer being checked by the licensing program; col. 2, lines 44-65 & col. 3, lines 17-34.

Considering claims 6, 16, 26 & 36, Brandenburg uses a satellite transmission system; see Fig. 1; col. 2, line 1 & col. 2, lines 35-40.

Considering claims 7, 17, 27 & 37, Brandenburg teaches that the data may be transmitted using TCP/IP technology or an e-mail; see col. 3, lines 51-52 col. 4, lines 1-4.

Considering claims 10, 20, 30 & 40, the claimed subject matter reads on col. 2, lines 55-64.

Considering claims 11, 21 & 31, the claimed system, receiving system and method of receiving data comprises elements that correspond with subject matter mentioned above in the rejection of claim 1, and is likewise treated.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-9, 18-19, 28-29 & 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandenburg.

Considering claims 8, 18, 28 & 38, Brandenburg only discloses satellite transmission. Official Notice is taken that at the time the invention was made, data transmission using terrestrial networks was known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Brandenburg to optionally utilize terrestrial

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networks, at least for the desirable advantage of a technology in more common use, since satellite transmission requires the customers to have a satellite dish, which is not as common as TV antennas.

Considering claims 9, 19, 29 & 39, Brandenburg does not state that some of the software downloaded would be displayed on a display device. Official Notice is taken that at the time the invention was made, software applications that cause images to be shown on a display device were known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Brandenburg in a manner that at least some the software applications downloaded to the target computer 18 would cause images to be displayed on the display screen, since some of the software applications likely to be requested by customers would include such content as video programs, or graphical user interface technology.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Frezza Teaches downloading software to a customer by encrypting the information using the terminal ID.

B) Krishnamoorthy General teaching of a customer requesting software applications to be downloaded to the computer/STB.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 746-6861 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the
organization where this application or proceeding is assigned is (703) 872-9306 for regular
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown



VIVEK SRIVASTAVA
PRIMARY EXAMINER